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# 674

674 CRIME--prevalence and incidence of crime; common and rare offenses; crime statistics (e.g., number of reported violations, arrests, and convictions for various offenses); types of offenders (e.g., juvenile delinquents, criminal castes; narcotic addicts, professional criminals); motives in crime (e.g., greed, frustration, sexual jealousy); contributory social factors (e.g., poverty, oppression); criminology; etc. See also:


Socialization . . . . . 86
Neuroses and psychoses . . . . . 158
Organized vice . . . . . 548
Ingroup antagonisms . . . . . 578
Banditry and piracy . . . . . 579
Crime prevention . . . . . 625
Sanctions . . . . . 681
Litigation of civil cases . . . . . 691
Juvenile delinquency . . . . . 738
Suicide . . . . . 762

159 attempt to open up communications between Lei-po and Huang-
622 mao Kang. He used all means to make friends with the Lolo of
557 the En-cha branch to expand his influence. Furthermore, be-
177 cause of his Sinicization, he adopted the Chinese custom of worshipping ancestors both in the direct and the indirect lines [i. e., the line of his granduncle, as well as the line of his
[595] father]. Besides his first wife from the Li-ch'ü family, he took another wife from the Wu-ch'i family in the hope of continuing his granduncle's lineage, making his second wife stay with his grandaunt of the Wu-p'ao family. Hsing-min had good connections with different Lolo branches and his reputation and influence grew day by day. The strong family background of his two wives further enhanced his influence. Because of his multi-connections with the Lolo and Han-Chinese, he became one of the very successful Lolo leaders. Whenever the Han-Chinese living in the Lei-po area mention Hu Hsing-min's name, they all show great respect and admiration for him.

621 Wu-chio is quite different from other un-Sinicized Lolo
177 areas in that it is near a Chinese city and has been developed
563 by the Han-Chinese. Its inhabitants are all Sinicized Lolo with occasionally some Han-Chinese families living amidst the Lolo, so that it can hardly fail to have Chinese influence in its social organization. It is an important communication center between the Lolo and Han-Chinese, as well as an important pass to Ta-liang Shan. [22] As such, it will be difficult to reduce the tension between the two groups without an intelligent and capable leader in charge of the place. Hu Hsing-min died about five or
614 six years ago and was survived by two wives and their young
622 children. The wife from the Li-ch'ü family (Li-ch'ü shih) had
627 two young daughters, and the wife from Wu-ch'i (Wu-ch'i shih) had a son still in infancy. Trouble soon started with the loss of the great family leader. Hsing-min had a younger uncle
[581 [see footnote, p. 25] in the paternal clan by the name of Hu
587] Ch'ang-pao, who intended to marry Li-ch'ü shih in order to succeed to Hsing-min's position. According to Lolo custom, the wife, after her husband's death, could marry his brother, his paternal younger uncle, his brother's son, or others. But
[674] Li-ch'ü shih did not want to remarry, and so she secretly asked her younger brother to kill Ch'ang-pao. The latter's family was weak and had no male member, but his elder maternal cousin [mother's elder brother's son], named Wu-ch'i Ku-pao, announced that he would avenge Ch'ang-pao's death and led his clan members to Wu-chio to engage in a feud. There were several attacks and counterattacks with casualties on

# 675

675 CONTRACTS--conception of contractual relations; agreements, bargains, promises, and their enforceability; consideration; rights, privileges, and powers of contracting parties; procedure in the conclusion of contracts (e.g., presence of witnesses); terms and stipulations; types of contracts (e.g., legal forms, oral agreements, covenants); etc. See also:


Builders and contractors . . . . . 331
Loans . . . . . 426
Leases . . . . . 427
Sales . . . . . 432
Insurance contracts . . . . . 456
Labor relations . . . . . 466
Social relationships . . . . . 871
Marriage contracts . . . . . 884
Treaties and alliances . . . . . 648
Penalties for breaches of contract . . . . . 686
Religious vows . . . . . 782

695 chewing to see if there is any blood on the rice. If not, then he is not guilty. Ordeal is practiced on members of the same clan for stealing, robbing, cheating, and so forth. While it is an [673 honorable deed to rob and steal from enemy clans, it is con- 609] sidered a crime to do the same to members of one's own clan. Sometimes crimes can be resolved through a blood covenant. Also, a white Lolo, if he wants, can win the black Lolo's confidence through swearing or candid confession. To do this, he kills a chicken and drops its blood into the wine, which he drinks in one draught. This will have the effect of signifying that any unlawful cheating of his master will result in his suffering the same fate as the dead chicken.

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# 682

682 OFFENSES AGAINST LIFE--definitions of and sanctions for homicide (e.g., murder, manslaughter); punishments for attempted homicide and attempted suicide; penalties for abortion and infanticide; etc. See also:


Euthanasia . . . . . 73
Accidents . . . . . 164, 165
Cannibalism . . . . . 266
Blood feuds . . . . . 627, 628
Liability in instances of accident or self defense . 672
Headhunting . . . . . 721, 727
Suicide . . . . . 782
Abortion and infanticide . . . . . 847
Killing the aged . . . . . 888

614 power is, the more ying [strong, lit., hard or tough] he be-
622 comes. So anyone who is powerful enough to be pao-t'ou is
555 ying tu-tu. Chih-t'ieh died a few years ago. Following his death, his power and influence came to an end. The position of leadership is achieved by a Lolo through his own individual accomplishments. It remains with him during his lifetime, but is not hereditary.

After Chih-t'ieh's death, his successor was not his own son, but his cousin, named Li-ch'ü Ta-chi, who was descended from the same paternal great-grandfather. Ta-chi, now thirty-five years old, is a capable and competent black Lolo. When the
159 author made this investigation trip to Ta-liang Shan and Hsiao-
555 liang Shan, Ta-chi was employed as pao-t'ou for the team. Ta-chi's father, Ch'uan-erh, was a pao-t'ou around the Ma-ching-tzu area. In the rebellion of 1919, he was one of the chief instigators. After the riot he returned to his native village of San-ho-i-ta and died there of sickness afterwards. During that time Ta-chi, who was only eleven years old, was left a poor lonely orphan with no one to support him. After more than ten years of hard struggle, he finally managed to get ahead, later married, and had children. Gradually he has accumulated some savings and is now considered a wealthy man in San-ho-i-ta. Ta-chi has two younger sisters. The elder one was married to Hu Hsing-min who lived in Wu-chio west of Lei-po. Five or six years ago, Hu Hsing-min died and was survived by his wife and two young
[593] daughters. In order to help his sister manage her household
[177] affairs, Ta-chi often traveled back and forth between Lei-po and Ta-liang Shan. Having had more contact with the Han-Chinese and learned more about things in the outside world than the others, he is one of the comparatively enlightened black Lolo in Liang Shan. Because of his popularity, Ta-chi soon became the leader of the Li-ch'ü branch of San-ho-i-ta to succeed Chih-t'ieh. This time when Ta-chi led the author and his inspection team to the mountain region, it was his first assignment as headman-protector of the Han-Chinese traveling in Liang Shan. For this trip he was branded a Han-Chinese by
[609] two of his clan uncles in the village. Lolo [20] hostility towards outsiders can readily be seen from this instance.

622 Ma-liu Wan in Hsiao-liang Shan is also a Li-ch'ü vil-
614 lage. Its chief, Li-ch'ü Pieh-t'u, was formerly a well-known rebellious Lolo, but in his old age he changed his attitude by submitting to government rule and living quietly as the head-
682 man in Ma-liu Wan. Pieh-t'u had a son who was intelligent
614 and smart. Once he was playing with pistols with Ta-i, Pieh-
555 t'u's clan nephew, in front of Shan-wang Miao and was

accidentally shot to death by Ta-i. According to Lolo custom, a clan member who kills another has to pay with his life. So Pieh-t'u killed a cow to entertain all the clan members who agreed to Ta-i's death. Ta-i tried to commit suicide by taking poison, but it failed to kill him. Soon afterwards, Pieh-t'u suddenly died, and Ta-i was spared his life as no one really wanted to force him to die. In July this year, a small group of soldiers stationed at Lei-po came to Ma-liu Wan to cut wood for fuel, but the Lolo thought that the soldiers came to search for opium because the village is an important opium trading post between the Han-Chinese and Lolo. As a result of this misunderstanding, members of the Li-ch'ü branch took up arms under Ta-i's leadership to defend themselves from the soldiers and a conflict ensued. Since then the Lolo in Ma-liu Wan village have been hostile to the soldiers, and there have been several skirmishes in which Ta-i was always the leader. He, too, has managed to settle clan affairs and has undertaken negotiations with the Han-Chinese. Thus he is ascending very rapidly to the leadership of the Li-ch'ü branch in Ma-liu Wan. It is evident that the Lolo position of leadership depends entirely upon the individual's personal competence, especially his ability to assemble all the clan members and to issue orders for combat, immediately after which he will be recognized by the public as their leader and protector.

Although they are dispersed in distant villages, members of the same branch still recognize their clan relationship and maintain friendly intercourse. There can be no feud among members of the same clan as feuds are fought only between different clans. The author's trip to Ma-liu Wan was just about at the time when Li-ch'ü Ta-i had these feuds with the Han-Chinese soldiers and people. So the author was advised to be cautious. But our Lolo headman-protector, Li-ch'ü Ta-chi, assured us that there would be no danger as he was related to Ta-i as younger uncle (1) in the same branch of

1. Ed., lit., "father's younger brother," which refers to a person of the father's generation who is "younger," by kinship reckoning, than the father, but is not necessarily a blood brother of the father himself.

the clan, and both being well-known black Lolo leaders, they would respect each other's "face." As expected, when we arrived at Shan-wang Miao, the three white Lolo who guarded

ancestors and handed down from grandfather to father, from father to son, and from son to grandson for several or even several tens of generations. During this time, members of enemy clans would kill each other without reconciliation. New clan enemies are created because of mutual misunderstanding or a conflict of interest between two groups. Without their being able to tolerate each other, the situation could be aggravated into open armed conflict.

The reasons for clan-feud fighting are by no means simple. According to Lolo tradition, there is a regulation for making reparations. For example, [83] if a man kills another, he should pay with his life. If the killer refuses to do so, then the blood kin of the victim would appeal to force, and the relatives of the killer would unite to resist the attack, thus leading to a bloody fight between the two clans. Blood feud, a universal phenomenon in primitive society, is sufficiently manifest among the Lolo. When Wang Chü-sung, the interpreter of the inspection team, served as a slave in the family of the white Lolo, Ti-ku-ku, he himself witnessed personally many clan feuds. The black Lolo master of Ti-ku-ku was Li-pieh Chih-ha, who was involved in an armed fight with the Wu-ch'i branch on account of a clan feud. Previously, a male member of the Wu-ch'i branch had died suddenly on his way home. His clan members, suspecting that he was assassinated by someone from the Li-pieh branch, asked for indemnities from the Li-pieh branch, which refused and persisted in its denial of the incident. So the dispute could not be settled. Later, members of the Wu-ch'i clan secretly banded together to attack the Li-pieh clan village. The Li-pieh branch was prepared for the attack. Led by the black Lolo Chih-ha, the clan members and their white Lolo subjects, among them Ti-ku-ku, went straight to a place called A-ning Ch'i-ho just east of the village of Pu-shih-ko, where they encountered members of the Wu-ch'i branch. The two clans faced each other on opposite sides of the mountain, shooting and fighting from morning till evening. As a result three persons from the Li-pieh branch and one from the Wu-ch'i were killed. The second time, the Li-pieh branch took revenge; the clan members, again led by Chih-ha, assaulted the village stockade of the Wu-ch'i branch, killing one black Lolo and seizing three oxen before they strode away in triumph. Since then, the Li-pieh and Wu-ch'i branches have been fighting and killing each other in renewed feuds. The black Lolo Hou-p'u branch, which has common kinship with both clans, has volunteered to help reconcile and make peace between them, but without success

628 ounces of silver; a silk garment equivalent to five ounces;
728 and a piebald horse equivalent to ten ounces. In other words, Po has to pay 25 ounces of silver to Ta-i as reparation for all the damages.

2. Li-ch'ü Ta-i, by offending T'u-szu's household, should pay a piebald horse, or ten ounces [89], as indemnity to Yang Tai-ti.

3. The steward Su's cornfield at Wang-shen P'o was destroyed without any justifiable reason, but it is difficult to figure out who is responsible for making the reparation. Ta-i is the one who destroyed the corn, but he did this to revenge the wrongs he had suffered and is unwilling to make any compensation. On the other hand, since Su and Po are both fellow stewards at Yang T'u-szu's household, Su does not want to accept any indemnity from Po. For these reasons, the mediators together urge the two neighboring families, A-cho Liu-liu and A-cho Hsueh-pu, who live near the fields at Wang-shen P'o, to contribute together seven ounces of silver to steward Su in the name of maintaining peace and order in the community. The two A-cho families are both former subjects of Yang T'u-szu, so after due explanation and solicitation they agree to pay the money to settle the dispute. Although seven ounces of silver are not enough to pay for the damage to the field, steward Su is willing to effect an early settlement of the clan feud to avoid further hostility between the members of the Yang household and the others.

The terms for settling Po Ts'an-k'ai's case were thus agreed upon, but they were never put into effect. When the inspection team first arrived at Lei-po, we heard immediately that Li-ch'ü Ta-i had kidnapped steward Su's son on the way and kept him at Ma-liu Wan village as a hostage. It was not until the time the author went to inspect the village that, through the negotiations of our headman-protector, Li-ch'ü Ta-chi, Ta-i was willing to release the boy and let him go home. The case, however, is still pending.

628 After several rounds of plundering and killing in clan-
728 feud fighting, arrangements would be made at the time of
• 682 reconciliation to match one death for another, black Lolo for black Lolo, and white Lolo for white Lolo. If the number of persons killed cannot be matched, then one side would have to pay the other a sum of money for the extra life it had taken in the feud. This is the so-called blood money practiced by many primitive societies. For example, in a feud between families A and B, five persons are killed in family A and three persons in family B; after cancelling out the three persons killed in

628 each family, B owes A an indemnity for the two extra lives it
728 took. A high price is paid for black Lolo and a lower price
682 for white Lolo. Besides payment, they would also try to find out the cause of the feud. If A started the feud, it has to pay B an indemnity in lieu of an apology.

628 The day on which peace is concluded, payments are made through a middleman and a ceremony is held to cele-
728 brate the peaceful settlement. Usually a mountain slope is
574 selected as the meeting place for both sides and the side which is to make the apology would kill oxen, sheep, pigs, and chickens to entertain the guests. Before the feast, they kill a chicken and drop its blood in the wine to be drunk by a representative from each side as a covenant that from now on they would resume friendly relations. After the covenant, they hold a big feast, welcoming each other with drinks, and leave only when everyone has had a good time.

614 In Lolo society, since the clan is primary in social or-
682 ganization, everybody in the clan shares the same responsi-
628 bility and obligation. The individual is a member of the clan organization. Any injury to the individual is considered an offense to the clan. So if one of its members is killed, the clan organization would come forward [90] for vengeance by killing a member of the opposite group to atone for the death. That a life is paid for by another life is an unwritten law of Lolo society. The way to enforce this law is to utilize the organization's common responsibility and the mechanism of clan-feud fighting.

614 Members of the same clan are not permitted to fight
682 feuds. Today, however, on account of the rapid growth of
627 numerous branches within the clan, there are occasionally the misfortunes of fighting and killing between different branches of the same clan. All intraclan disputes are commonly arbitrated by an influential black Lolo in the clan. In the case of a murder, Lolo tradition requires that the killer pay with his life and no indemnity money be accepted. When Li-ch'ü Ta-i accidently killed the son of Li-ch'ü Pieh-t'u. In that same year, Pieh-t'u, who was Ta-i's younger uncle of the paternal clan, invited all clansmen to a meeting and to a feast for which an ox was killed. The clansmen decided that Ta-i
[762] would have to pay with his life. Reluctantly, Ta-i accepted the decision and twice attempted suicide without success. It was only after Pieh-t'u's sudden death that no one would press for the forfeit of Ta-i's life. At the same time Ta-i's wife's family, the En-cha branch, which was quite strong and influential, did not want Ta-i to pay with his life; so they came forward to negotiate

614 for an indemnity price. As Pieh-t'u had been dead and Ta-i
682 had gradually become prominent, no one in the Li-ch'ü clan
627 dared raise any objection. Therefore, due to human relations and environmental factors, the traditional rule of paying with one's life for killing a clan member has also been waived and gradually changed in form and direction.

Nonetheless, in Lolo society, the killing of a blood
578 kinsman of a near branch sometimes still calls for the pay-
682 ment of life for life. For close relatives, such as brothers, father's younger brothers, and brother's sons, as well as father's sister's sons, mother's brother's sons, mother's sister's sons, and others who are involved in mutual feud killing, the killers all have to pay with their lives. To cite a case previously mentioned: Mo-shih Tso-t'i, who had been studying at the military academy in Ch'eng-tu, unfortunately had to return home for business before his graduation. It happened that at the time his elder brother was acting as a headman-protector to take more than a dozen Han-Chinese merchants from northern Yunnan to Liang Shan. The brother discussed with Tso-t'i his plot of kidnapping the Han-Chinese
[177] merchants as slaves in an act of reverse protection. Tso-t'i, however, who had recently received an education, knew that the Han-Chinese and the Lolo were of the same national family as citizens of the Republic of China, so he resisted his
[162] brother's advances. The latter argued violently with Tso-t'i and insisted on reverse protection with the result that in a fit
[672] of temper Tso-t'i killed himself with a gun. The clan members felt that Tso-t'i's brother should pay for the death with his life, but since Tso-t'i was not actually killed by his brother, the case remained undecided for a long time and is still not settled today.

614 On conclusion, within the framework of clan kinship,
672 the Lolo are encouraged to unite together and share collective responsibility so that clan members would not fight each other in a feud, and anyone who kills a member of his clan must pay with his own life. However, in external clan re-
614 lationships, the clan feud is an important structure in their
628 social life. As they have a warlike pattern in fighting clan
555 feuds generation after generation, their young men first learn from them the art of fighting and later they themselves
182 organize expeditionary teams to attack clan enemies and to rob and kill on route. Eventually the more people one kills and the more booty he seizes, the more famous he becomes and the higher his social position. Gradually he gets the title of headman-protector and becomes [91] a political leader.